

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

WORCESTER, ss.

In re:)	Chapter 7
)	Case No. 23-40709-CJP
WESTBOROUGH SPE LLC,)	
)	
Debtor.)	
)	

MOTION FOR APPOINTMENT OF A COURT-APPOINTED EXPERT

TO THE HONORABLE COURT:

Movant, **Lolonyon Akouete**, a creditor in the above-captioned Chapter 7 bankruptcy case, respectfully submits this Motion for the Appointment of a Court-Appointed Expert pursuant to the Massachusetts Rules of Civil Procedure and the court's inherent authority to ensure a fair and equitable resolution of the matters before it. In support of this motion, Movant states as follows:

I. INTRODUCTION

Movant, Lolonyon Akouete, is a creditor of Westborough SPE LLC ("Debtor") in this Chapter 7 bankruptcy case. The case involves the sale of a significant property located at 231 Turnpike Road, Westborough, MA (the "Property"). The current dispute centers on the valuation of the Property, which is critical to determining the fairness of the proposed settlement agreement. Movant has severe financial constraints that prevent him from obtaining an independent appraisal of the Property. Given the material discrepancies in the assessed value and the potential market value, Movant believes that the appointment of a court-appointed expert is necessary to provide an impartial and accurate valuation.

II. LEGAL BASIS FOR APPOINTMENT OF A COURT-APPOINTED EXPERT

Under the Massachusetts Rules of Civil Procedure, specifically Rule 706, this Court has the authority to appoint an independent expert witness to assist in cases where specialized knowledge is required. The purpose of such an appointment is to ensure that the Court has access to unbiased, expert testimony that can aid in the resolution of complex issues, such as property valuation disputes.

III. GROUNDS FOR APPOINTMENT OF A COURT-APPOINTED EXPERT

A. Financial Hardship:

Movant is currently experiencing severe financial hardship and is unable to afford the services of an independent appraiser or other legal experts. This financial limitation severely hinders Movant's ability to challenge the valuation presented by other parties and to protect his interests as a creditor in this case.

B. Material Discrepancies in Valuation:

The valuation of the Property is a central issue in this case. The current assessed value of the Property by the Town of Westborough is \$1,813,300, which reflects a sharp decline from previous years. There are also significant discrepancies between the assessed value and recent comparable sales in the area. These discrepancies raise serious concerns about the accuracy and fairness of the proposed settlement.

C. Need for an Impartial and Accurate Valuation:

Given the importance of the Property's valuation to the resolution of this case, it is crucial that the Court has access to an impartial and accurate appraisal conducted by a qualified expert. A court-appointed expert would provide the necessary expertise to determine the fair market value of the Property, ensuring that the interests of all parties, including Movant, are adequately protected.

IV. REQUEST FOR RELIEF

For the reasons set forth above, Movant respectfully requests that this Court appoint a qualified expert to conduct an independent appraisal of the Property at 231 Turnpike Road, Westborough, MA. Movant further requests that the costs associated with the court-appointed expert be allocated as the Court deems appropriate, considering Movant's financial hardship.

V. CONCLUSION

In light of the significant impact that the Property's valuation will have on the outcome of this case, the appointment of a court-appointed expert is both necessary and appropriate. Movant respectfully requests that the Court grant this motion and appoint an independent expert to conduct an impartial appraisal of the Property.

DATED: August 27, 2024, Respectfully submitted:

By creditor,



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CERTIFICATE OF SERVICE

I, Lolonyon Akouete, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

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